

Introduced by ~~Senator Huff~~ *Senators Huff and Romero*
(*Coauthor: Senator Alquist*)

February 24, 2009

An act to add and repeal Article 10 (commencing with Section 48350) of Chapter 2 of Part 27 of Division 4 of Title 2 of the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 266, as amended, Huff. Public schools: open enrollment.

(1) Existing law requires each person between the ages of 6 and 18 years not otherwise exempted to attend the public full-time day school or continuation school or classes in the school district in which his or her parent or guardian is a resident. Existing law authorizes the governing board of a school district to adopt a resolution to become a school district of choice, as defined, and accept interdistrict pupil transfers.

This bill would enact the Open Enrollment Act to enable pupils residing in the state to attend public schools in school districts other than ~~the ones in which they reside~~ *their school district of residence, as defined*. The bill would ~~require the State Board of Education to promulgate an enrollment options program in which~~ *authorize the parent or guardian of a pupil wishing enrolled in a low-performing school, as defined, to submit an application for the pupil to attend a school in a nonresident school district would submit an application for a particular school year to the nonresident school district on a form provided by, and on or before a deadline established by, the state board school district of enrollment, as defined*. The bill would ~~require~~ *authorize* a school

district of *enrollment* to adopt specific, written standards for acceptance and rejection of applications for enrollment, *subject to specified conditions and a specified priority scheme for applicants*. Within 60 days of receiving an application for enrollment, the bill would require a ~~nonresident~~ school district of *enrollment* to notify the applicant parent or guardian and the resident school district in writing whether the application has been accepted or rejected and state in the notification the reasons for the rejection. The bill would require that the average daily attendance for pupils enrolled in a ~~nonresident~~ school district of *enrollment*, pursuant to the bill, be credited to the ~~nonresident~~ school district of *enrollment* pursuant to a specified statute. ~~These provisions would become operative at the beginning of the 2010–11 school year, become~~ The bill would require the State Board of Education to adopt regulations to implement these provisions. The bill would make these provisions operative on July 1, 2010, make them inoperative on July 1, 2020, and ~~would be repealed~~ repeal them on January 1, 2021.

By requiring school districts to enroll ~~and provide services to~~ nonresident pupils and perform other new duties, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 10 (commencing with Section 48350) is
2 added to Chapter 2 of Part 27 of Division 4 of Title 2 of the
3 Education Code, to read:

4
5 Article 10. Open Enrollment Act

6
7 48350. This article shall be known, and may be cited, as the
8 Open Enrollment Act.

1 48351. The purpose of this article is to improve educational
2 achievement and to enhance ~~the opportunity for parental choice~~
3 in education by providing additional options to pupils ~~in the state~~
4 ~~to enroll in public schools in school districts throughout the state~~
5 ~~without regard to pupil residence.~~ *to enroll in public schools*
6 *throughout the state without regard to the residence of their*
7 *parents.*

8 48352. For purposes of this article, the following definitions
9 apply:

10 (a) ~~“School” means a school that is operated by a school district~~
11 ~~and that provides elementary or secondary education in accordance~~
12 ~~with state law.~~

13 (a) *“Low-performing school” means a public school that is*
14 *ranked in any of deciles 1 to 3, inclusive, of the Academic*
15 *Performance Index and identified by the Superintendent pursuant*
16 *to Section 52055.605.*

17 (b) “Parent” means the natural or adoptive parent or guardian
18 of a dependent child.

19 (c) *“School district of enrollment” means a school district other*
20 *than the school district in which the parent of a pupil resides, but*
21 *in which the parent of the pupil nevertheless intends to enroll the*
22 *pupil pursuant to this article.*

23 (d) *“School district of residence” means a school district in*
24 *which the parent of a pupil resides and in which the pupil would*
25 *otherwise be required to enroll pursuant to Section 48200.*

26 48353. ~~The state board shall promulgate an enrollment options~~
27 ~~program to enable pupils residing in the state to attend public~~
28 ~~schools in school districts other than the ones in which they reside.~~

29 48354. (a) ~~The parent of a pupil wishing to attend a school in~~
30 ~~a nonresident school district shall submit an application for a~~
31 ~~particular school year to the nonresident school district on a form~~
32 ~~provided by, and on or before a deadline established by, the state~~
33 ~~board. The parent may request a particular school within the~~
34 ~~nonresident school district.~~

35 (b) ~~The nonresident school district may waive the deadline~~
36 ~~established by the state board pursuant to subdivision (a).~~

37 48355. ~~A school district under a court order regarding~~
38 ~~desegregation shall ensure compliance with desegregation plans.~~

39 48353. *The state board shall adopt regulations to implement*
40 *this article.*

1 48354. (a) *The parent of a pupil enrolled in a low-performing*
2 *school may submit an application for the pupil to attend a school*
3 *in a school district of enrollment pursuant to this article.*

4 (b) (1) *No later than September 1 of the school year immediately*
5 *following a school year in which a school is deemed to be a*
6 *low-performing school, the school district that administers that*
7 *school shall notify the parent of each pupil enrolled in the school*
8 *of the opportunity for the pupil to transfer to a school district of*
9 *enrollment pursuant to this article. The notification pursuant to*
10 *this paragraph shall inform parents of an Internet Web site or*
11 *other source that includes detailed information regarding how to*
12 *apply for a transfer pursuant to this article.*

13 (2) *An application requesting a transfer pursuant to this article*
14 *shall be submitted by the parent of a pupil to the school district of*
15 *enrollment prior to January 1 of the school year preceding the*
16 *school year for which the pupil is requesting to transfer. The school*
17 *district of enrollment may waive the deadline specified in this*
18 *paragraph.*

19 (3) *The application deadline specified in paragraph (2) does*
20 *not apply to an application requesting a transfer if the parent, with*
21 *whom the pupil resides, is enlisted in the military and was relocated*
22 *by the military within 90 days prior to submitting the application.*

23 (4) *The application may request enrollment of the pupil in a*
24 *specific school or program within the school district of enrollment.*

25 (5) *A pupil may enroll in a school in the school district of*
26 *enrollment immediately upon the approval of his or her application.*

27 (6) *In order to provide priority enrollment opportunities for*
28 *pupils residing in the school district, a school district of enrollment*
29 *shall establish a period of time for resident pupil enrollment prior*
30 *to accepting transfer applications pursuant to this article.*

31 48355. (a) *The school district of residence of a pupil or a*
32 *school district of enrollment to which a pupil has applied to attend*
33 *may prohibit the transfer of the pupil pursuant to this article or*
34 *limit the number of pupils who transfer pursuant to this article if*
35 *the governing board of the district determines that the transfer*
36 *would negatively impact either of the following:*

37 (1) *A court-ordered desegregation plan of the district.*

38 (2) *The racial and ethnic balance of the district.*

1 ***(b) A school district of residence shall not adopt policies that***
2 ***in any way prevent or discourage pupils from applying for a***
3 ***transfer to a school district of enrollment.***

4 48356. (a) A school district ~~shall~~ *of enrollment may* adopt
5 specific, written standards for acceptance and rejection of
6 applications pursuant to this article. The standards may include
7 consideration of the capacity of a program, class, grade level, or
8 school building. Subject to subdivision (b), and except as necessary
9 in accordance with Section 48355, the standards shall not include
10 consideration of a pupil's previous academic achievement, physical
11 condition, proficiency in the English language, sex, national origin,
12 or race.

13 (b) In considering an application pursuant to this article, a
14 nonresident school district may apply its usual requirements for
15 admission to a magnet school or a program designed to serve gifted
16 and talented pupils.

17 (c) Subject to the rules and standards that apply to pupils who
18 reside in the ~~nonresident school district, a nonresident school~~
19 ~~*district of enrollment, a resident*~~ pupil who is enrolled in one of
20 the district's schools pursuant to this article shall ~~only~~ *not* be
21 required to submit a renewed application in order to remain
22 enrolled ~~if one of the following occurs:~~.

23 ~~(1) The pupil graduates.~~

24 ~~(2) The pupil is no longer a California resident.~~

25 ~~(3) The pupil is expelled from school.~~

26 ~~(4) The nonresident school district determines that resident~~
27 ~~enrollment within the school will exceed the capacity of a program,~~
28 ~~class, grade level, or school building of the school.~~

29 ~~(d) The determination of which nonresident pupils to exclude~~
30 ~~from continued enrollment in a nonresident school district during~~
31 ~~a subsequent year shall be based upon the length of time a pupil~~
32 ~~is enrolled in the school in question, with pupils enrolled most~~
33 ~~recently excluded first, and the use of a lottery system when~~
34 ~~multiple nonresident pupils have been enrolled for the same number~~
35 ~~of schooldays in the school.~~

36 ***(d) A school district of enrollment shall ensure that pupils***
37 ***enrolled pursuant to standards adopted pursuant to this section***
38 ***are selected through a random, unbiased process that prohibits***
39 ***an evaluation of whether or not the pupil should be enrolled based***
40 ***on his or her individual academic or athletic performance, except***

1 *that pupils applying for a transfer pursuant to this article shall be*
2 *assigned priority for approval as follows:*

3 *(1) First priority for the siblings of children who already attend*
4 *the desired school.*

5 *(2) Second priority for pupils transferring from a*
6 *low-performing school ranked in decile 1 on the Academic*
7 *Performance Index.*

8 *(3) Third priority for pupils transferring from a low -performing*
9 *school ranked in decile 2 on the Academic Performance Index.*

10 *(e) The initial application of a pupil for transfer to a school*
11 *within a school district of enrollment shall not be approved if the*
12 *transfer would require the displacement from the desired school*
13 *of any other pupil who resides within the attendance area of that*
14 *school or is currently enrolled in that school.*

15 *(f) A pupil approved for a transfer to a school district of*
16 *enrollment pursuant to this article shall be deemed to have fulfilled*
17 *the requirements of Section 48204.*

18 48357. Within 60 days of receiving an application pursuant to
19 Section 48354, a ~~nonresident school district~~ *school district of*
20 *enrollment* shall notify the applicant parent and the ~~resident school~~
21 ~~district~~ *school district of residence* in writing whether the
22 application has been accepted or rejected. If an application is
23 rejected, the ~~nonresident school district~~ *school district of enrollment*
24 shall state in the notification the reasons for the rejection.

25 48358. A ~~nonresident school district~~ *school district of*
26 *enrollment* that enrolls a pupil pursuant to this article shall accept
27 credits toward graduation that were awarded to the pupil by another
28 school district and shall graduate the pupil if the pupil meets the
29 graduation requirements of the ~~nonresident school district~~ *school*
30 *district of enrollment.*

31 48359. (a) The average daily attendance for pupils enrolled
32 in a ~~nonresident school district~~ *school district of enrollment*
33 pursuant to this article shall be credited to ~~the nonresident~~ *that*
34 *school district* pursuant to Section 46607. The attendance report
35 of the ~~nonresident school district~~ *school district of enrollment* may
36 include an identification of the school district of residence for
37 pupils enrolled pursuant to this article.

38 (b) Notwithstanding any other provision of law, state aid for
39 categorical education programs for pupils enrolled in a ~~nonresident~~

~~school district~~ *school district of enrollment* pursuant to this article shall be apportioned to the ~~nonresident school district~~.

~~(e) For a nonresident school district that is a basic aid school district of enrollment. For a school district of enrollment that is a basic aid school district, the Superintendent shall calculate an apportionment of state funds that provides for any average daily attendance credited pursuant to this article shall be 70 percent of the district revenue limit calculated pursuant to Section 42238 that would have been apportioned to the school district of residence for any average daily attendance credited pursuant to this section. For purposes of this subdivision, the term “basic aid school district” means a school district that does not receive an apportionment of state funds pursuant to subdivision (h) of Section 42238 for any fiscal year in which this subdivision may apply.~~

~~(d) The State Allocation Board shall develop procedures to ensure that the average daily attendance of pupils admitted by a nonresident school district pursuant to this article shall be credited to that school district for purposes of a determination under Article 2 (commencing with Section 17010) of Chapter 12 of Part 10 of Division 1 of Title 1 that utilizes an average daily attendance calculation.~~

48360. (a) Each school district is encouraged to keep an accounting of all requests made for alternative attendance pursuant to this article and records of all disposition of those requests that may include, but are not limited to, all of the following:

(1) The number of requests granted, denied, or withdrawn. In the case of denied requests, the records may indicate the reasons for the denials.

(2) The number of pupils who transfer out of the district.

(3) The number of pupils who transfer into the district.

(b) The information maintained pursuant to subdivision (a) may be reported to the governing board of the school district at a regularly scheduled meeting of the governing board.

48361. This article shall become operative ~~at the beginning of the 2010–11 school year~~ *on July 1, 2010*.

48362. This article shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.

1 SEC. 2. The provisions of this act are severable. If any
2 provision of this act or its application is held invalid, that invalidity
3 shall not affect other provisions or applications that can be given
4 effect without the invalid provision or application.

5 SEC. 3. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.